IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

WP(C).No. 23686 of 2007(T)

PETITIONER:

MUHAMMED KUNJU, S/O.MYTHEEN KUNJU,
MAMPATTAYIL, PADINJATTEKKARA, THEVALAKKARA
VILLAGE, KARUNAGAPPALLY TALUK.

BY ADV. SRI.P.B.SAHASRANAMAN
SRI.K.JAGADEESH
SRI.T.S.HARIKUMAR

RESPONDENTS:

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1. THE DEPUTY TAHSILDAR,
REVENUE RECOVERY, KARUNAGAPPALLY.

2. THE DISTRICT SUPPLY OFFICER,
KOLLAM.

BY ADV. SMT.M.K.PUSHPALATHA, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 23686 of 2007

Dated, this the 8th day of August, 2007

J U D G M E N T

Heard learned counsel for the petitioner and the learned Government Pleader. Petitioner is challenging recovery proceedings for recovery of arrears due from petitioner's deceased mother. According to the petitioner, after the death of the defaulter, recovery cannot be continued against the property inherited by the petitioner. However, learned Government Pleader submitted that the defaulter had died only after service of notice under RR Act to the defaulter on 12/01/2007. In the circumstances, property of the defaulter devolved on petitioner is subject to charge. Therefore, if petitioner wants to retain the property, he has to settle liability. However, having regard to the contentions raised, and since petitioner prays for instalment facility to clear the arrears, this writ petition is disposed of granting 10 equal monthly instalments to the petitioner to clear the liability excluding collection charges, first of which will be paid on or before 10/09/2007 and balance on or before 10th day of 9 succeeding months. If payments are made in instalments as above without

any default, no collection charges should be recovered from the petitioner. RR proceedings will be kept in abeyance on payment as above. If petitioner commits default in making any of the instalments as above, the instalment facility granted will stand automatically vacated on first default and respondents can proceed for recovering entire liability.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg